GOVERNMENT OF INDIA
SOCIAL JUSTICE AND EMPOWERMENT
LOK SABHA

UNSTARRED QUESTION NO:3979
ANSWERED ON:03.05.2007
BENEFIT OF STATE OBCs IN CENTRAL GOVERNMENT SERVICE/EDUCATION
Rathod Shri Harisingh Nasaru

Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state:

(a) whether a candidate holding State OBC certificate is entitled for getting reservation benefits in Central Government service and admission in educational institutions run by the Union Government;

(b) if so, the details thereof;

(c) the definition of creamy layer as per Union Government`s directives in case of OBCs; and

(d) the criteria being followed by the State Governments to select a particular community as OBCs?

Answer

MINISTER OF STATE IN THE MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT (SMT. SUBBULAKSHMI JAGADEESAN)

(a) No, Sir.

(b) Does not arise.

(c) The creamy layer has been defined vide Government of India Office Memorandum (OM) No.36012/22/93-Estt(SCT) dated 8th September, 1993 as amended vide OM No.36033/3/2004-Estt. (Res.) dated 9th March, 2004. As per these, children of certain categories of persons holding constitutional posts, Officers of certain categories of persons working in the Central/ State Governments, Public Sector Undertakings, Armed Forces including Para Military Forces and the other persons having gross annual income of Rs. 2.5 lakh or above or possessing wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three consecutive years are included in creamy layer.

(d) As per the judgement of Supreme Court in Indira Swahney`s case, Government of India and the State Governments have separately set up Commissions for Backward Classes for recommending inclusion and exclusion of any castes as Backward Classes. The State Governments will take decision for inclusion or exclusion of any particular caste/community in their respective State Lists of OBCs on the basis of advice of State Commissions.